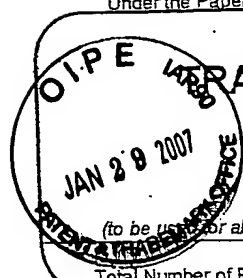


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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

11

Application Number

10/580,443

Filing Date

MAY 23, 2006

First Named Inventor

JOACHIM MOORMANN

Art Unit

1614

Examiner Name

Attorney Docket Number

R04245US (#90568)

ENCLOSURES (Check all that apply)

☐

Free Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☒Power of Attorney, Revocation
Change of Correspondence Address☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):

POST CARD

TRANSMITTAL W/POWER OF ATTORNEY
& ENGLISH TRANSLATION OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

Remarks

Please charge any additional fees or credit any overpayment
to Deposit Account No. 08-2441.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

D. Peter Hochberg Co., L.P.A.

Signature

Printed name

D. Peter Hochberg

Date

January 26, 2006

Reg. No.

24,603

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Typed or printed name

Christine Kotran

Date

1.26.2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joachim Moormann et al.
Serial No.: 10/580,443
Filed: May 23, 2006 / Conf. No. 2527
Title: USE OF DEOXYPEGANINE FOR TREATING
SCHIZOPHRENIC PSYCHOSES
Examiner: _____ / Art Unit: 1614
Attorney File: RO4245US (#90568)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL FOR POWER OF ATTORNEY AND
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

Sir:

Enclosed for entry on the records of the USPTO are a Power of Attorney duly executed by the inventors and an English translation of the International Preliminary Report on Patentability rendered on the parent International Application No. PCT/EP2004/012605. The IPRP was transmitted to the designated/elected Offices on November 9, 2006.

Respectfully submitted,

By: _____

D. Peter Hochberg
Reg. No. 24,603

DPH/SM/ck
Enc.

D. Peter Hochberg Co., L.P.A.
1940 E. 6th Street - 6TH Floor
Cleveland, Ohio 44114
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e-mail: DPHDOCKET@aol.com

Certificate of Mailing

I hereby certify that this document, and anything indicated as being attached or enclosed, is being deposited with the United States Postal Service as First Class mail in an envelope addressed: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date noted below.

Christine Kotran: _____

Date: _____

1.26.2007

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

FLACCUS, Rolf-Dieter
Bussardweg 10
50389 Wesseling
ALLEMAGNE

Eingegangen

16. NOV. 2006

FRIST:.....

Date of mailing (day/month/year) 09 November 2006 (09.11.2006)		
Applicant's or agent's file reference HF 003/2003 PCT	IMPORTANT NOTIFICATION	
International application No. PCT/EP2004/012605	International filing date (day/month/year) 08 November 2004 (08.11.2004)	
Applicant HF ARZNEIMITTELFORSCHUNG GMBH et al		

1. Transmittal of the translation to the applicant.

- ☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).
- ☒ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Ellen Moyse
Facsimile No. +41 22 338 82 70	Facsimile No. +41 22 338 82 70

(PCT Article 36 and Rule 70)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012605

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-5, 7, 9, 10 as originally filed/furnished
- pages* 6, 8 received by this Authority on 16.09.2005 with letter of 13.09.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-15 received by this Authority on 16.09.2005 with letter of 13.09.2005
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012605

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1-15	NO
Inventive step (IS)	Claims		YES
	Claims	1-15	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Subject matter of the invention

The application relates to the use of desoxypeganine or one of its derivatives for treating schizophrenic psychoses.

Prior art

The report makes reference to the following documents (D1 to D5); the numbering corresponds to the order in which the documents were cited in the search report and shall be maintained throughout the proceedings.

D1 and D2 (Vovin et al.) describe the treatment of schizophrenia with the anticholinesterase agents galanthamine and desoxypeganine in combination with benactyzine (abstract).

D3 (US 5 633 238) relates to the use of the cholinesterase inhibitor galanthamine for treating schizophrenia (claims).

D4 (WO03/07966) relates to combinations of active substances and their use in drug therapy for nicotine dependence, in particular as relates to cigarette consumption (page 1, lines 5 to 7). The

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012605

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

use of galanthamine, which is intended to suppress the desire for nicotine, is proposed in document DE 43 01 782 (equivalent to EP 0 680 326 and US 5 643 905), for example, as an alternative to supporting nicotine withdrawal by means of cholinergic modulators. The same applies to desoxypeganine, which is claimed for this purpose in DE 199 06 979 (equivalent to WO 00 48 445) and has particularly great therapeutic potential owing to its simultaneous inhibition of monoaminooxidases (page 3, lines 15 to 23). Desoxypeganine is a cholinesterase inhibitor (page 10, lines 3 to 6).

D5 (DE 199 06 977) describes transdermal systems for desoxypeganine (whole document).

Novelty

The subject matter of claims 1 to 15 lacks novelty (PCT Article 33(2)) in view of the prior art as summarized above.

The subject matter of claims 1 to 15 does not appear to be novel over D1 (whole document, abstract).

The specification of schizophrenia also fails to render claim 1 novel. The only novel portion claimed is the treatment of a select group taken from the entire group of patients treated thus far with desoxypeganine, meaning only a subgroup. This subgroup, which, by the way, is not clearly defined, therefore does not appear to be a feature that could substantiate novelty.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012605

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Inventive step

Even if the applicant can produce novelty, the present application nevertheless does not appear to contain any specific aspect that, in light of the relevant prior art, involves an inventive step pursuant to PCT Article 33(3).

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012605

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: I

The amended claims are admissible.